

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 15-9 AS IT RELATES TO UTILITY SERVICE CONTRACTS AND THE ADJUSTMENT OF UTILITY BILLS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 15-9-1(1) is amended to read:

- (1) ACCOUNT means the record of consumption, charges, and payment for services or products provided to a customer by a utility. An account is an ACTIVE ACCOUNT if utility service is currently available to the customer at the service address for the account. An account is an INACTIVE ACCOUNT if service has been disconnected for the customer at the service address for the account.

PART 2. City Code Section 15-9-35(C) is amended to read:

(C) A service contract under this section includes:

- (1) a customer's duty to pay for utility services provided by the City on or before the ~~[invoice]~~payment due date specified on the customer's bill; ~~[and]~~
- (2) the City's duty to provide utility services to a customer who is not in arrears; and
- (3) the terms of this Chapter.

PART 3. City Code Sections 15-9-140, 15-9-141, and 15-9-142 are deleted in their entirety and a new Section 15-9-140 is added to read:

§ 15-9-140 BILLING ADJUSTMENTS

- (A) Subject to subsection (B), the City shall adjust a customer's account and issue a corrected bill if it determines that it has overbilled or underbilled the customer for utility service because of:

- (1) a meter's failure to meet the accuracy standards of the American National Standards Institute or the American Water Works Association, as applicable;
- (2) the application of an incorrect rate to the customer's account;
- (3) an erroneous meter reading or the reading of a meter other than that through which the customer actually received service; or
- (4) the failure of the City to include the utility service in the customer's account.

(B) No billing adjustment shall be made, and no backbill or refund shall be issued, with respect to utility service provided:

- (1) more than four years before the date the error or inaccuracy is discovered if the error or inaccuracy caused the customer to be overbilled;
- (2) more than twelve months before the date the error or inaccuracy is discovered if the error or inaccuracy caused the customer to be underbilled, or, in the case of a residential customer, more than six months before the date the error or inaccuracy is discovered;
- (3) to any customer other the customer currently receiving service at the service address to which the adjustment pertains; or
- (4) under an account that has become an inactive account and for which a final bill was issued more than 90 days before the error or inaccuracy was discovered.

(C) The time limitations in subsection (B) shall not apply if the City determines that it has failed to accurately meter or otherwise properly bill for utility service because of utility service diversion. The customer shall be liable for all diverted utility service regardless of when the diversion occurred and regardless of whether the customer is shown to have committed, aided, allowed, or been aware of the diversion. The City is not required to extend any deferred payment arrangements in cases of utility service diversion.

(D) For an adjustment due to an inaccurate meter, the City may estimate the customer's utility consumption using prior consumption history, comparisons to similarly situated customers under similar weather conditions, readings from a replacement meter, or such other methods and information that it reasonably

1 deems appropriate. In the case of the application of an incorrect rate, the City
2 shall base the adjustment on the correct rate.

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4 **(E)** In event of an adjustment for water utility service, wastewater charges will be
5 adjusted for the same period.

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7 **(F)** If a customer is liable for a balance under an inactive account, the City may
8 transfer that balance to any of the customer's active accounts. The time
9 limitations in subsection (B) shall not apply to a transfer made under this
10 subsection.

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12 **PART 3.** This ordinance takes effect on March 9, 2009.

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14 **PASSED AND APPROVED**

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18 February 26, 2009

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Will Wynn
Mayor

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24 **APPROVED:** _____

25 David Allan Smith
26 City Attorney

27 **ATTEST:** _____

28 Shirley A. Gentry
29 City Clerk